

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 09-23670-CIV-KING

TRACFONE WIRELESS, INC.,
a Delaware Corporation,

Plaintiff,

v.

CELLNET 7, INC., a Florida corporation;
NATALIA SIERRA, individually; IHOSVANY
DIAZ, individually; ANADISK LLC, a
Pennsylvania limited liability company
DNMA66, LLC, a Florida limited liability
company; and DAVUT KILINC a/k/a DAVID
KILINC, individually,

Defendants.

PRELIMINARY INJUNCTION

WHEREAS, Plaintiff TRACFONE WIRELESS, INC.'s ("Plaintiff"), Amended Complaint seeks injunctive relief against Defendants Anadisk LLC ("Anadisk"); DNMA66, LLC ("DNMA66"); and Davut Kilinc a/k/a David Kilinc ("Kilinc") (collectively, "Defendants");

WHEREAS, the Court having set a preliminary injunctive hearing for January 20, 2010 pursuant to Federal Rule of Civil Procedure 65 and the Lanham Act for the reason that Defendants are engaged in trademark infringement, unfair competition, and other illegal activities as a result of their unauthorized and unlawful bulk purchasing, reselling, computer reflashing/unlocking and trafficking of wireless TracFone Prepaid Phones ("Infringing Products") and the devices for reflashing/unlocking them (hereinafter referred to as the "Bulk Resale Scheme"), as set forth in Plaintiff's Amended Complaint in this action;

WHEREAS, Plaintiff is likely to succeed in showing that Defendants are engaged in trademark infringement, unfair competition, and other illegal activities as a result of their Bulk Resale Scheme;

WHEREAS, the manufacture, import, export, distribution, offer for sale and/or sale of the Infringing Products and the devices for reflashing/unlocking them will result in immediate and irreparable injury to Plaintiff if Defendants are not restrained;

WHEREAS, Plaintiff's harm from denial of the requested preliminary injunction would outweigh the harm to Defendants' legitimate interests from granting such an order;

WHEREAS, the public interest would not be disserved by issuing a preliminary injunction;

WHEREAS, the Court having reviewed the Amended Complaint, Memorandum of Law, and other supporting materials;

WHEREAS, Defendants having failed to show cause and/or failed to appear, it is
HEREBY ORDERED:

1. That Defendants, their officers, agents, servants and employees and any persons in active concert or participation with them, are preliminarily enjoined and restrained from:

(i) using Plaintiff's Trademarks, including, but not limited to, TRACFONE; TRACFONE NATIONWIDE PREPAID WIRELESS and Design; NET10; NET10 PAY AS YOU GO MADE SIMPLE and Design; SAFELINK WIRELESS; SAFELINK WIRELESS and Design; STRAIGHT TALK; and STRAIGHT TALK and Design (collectively, "Plaintiff's Trademarks") and/or any reproduction, counterfeit, copy or colorable imitation of Plaintiff's Trademarks in connection with the Bulk Resale Scheme, or in any manner likely to cause others to believe that the Infringing Products are connected with Plaintiff or Plaintiff's genuine merchandise bearing Plaintiff's Trademarks; and,

(ii) passing off, inducing or enabling others to sell or pass off any handsets or other items that are not Plaintiff's genuine merchandise as and for Plaintiff's genuine merchandise; and,

(iii) committing any other acts calculated to cause purchasers to believe that Defendants' products are Plaintiff's genuine merchandise unless they are such; and,

(iv) shipping, delivering, holding for sale, distributing, returning, transferring or otherwise moving, storing or disposing of in any manner handsets or other items falsely bearing Plaintiff's Trademarks, or any reproduction, counterfeit, copy or colorable imitation of same; and,

(v) inducing others to breach their contract terms with TracFone and tortiously interfering with TracFone's contractual relationships with the purchasers of TracFone Prepaid Phones; and,

(vi) participating, either actively or passively, in the Bulk Resale Scheme for TracFone Prepaid Phones; and,

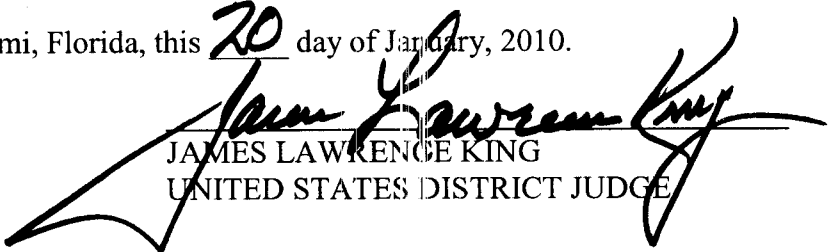
(vii) moving, destroying, or otherwise disposing of any products, labels, or other items, merchandise or documents bearing or relating to Plaintiff's Trademarks or any reproduction, counterfeit, copy or colorable imitation thereof; and,

(viii) removing, destroying or otherwise disposing of any computer tapes or disks, business records or documents relating in any way to the manufacture, acquisition, purchase, distribution or sale of goods bearing Plaintiff's Trademarks or any reproduction, counterfeit, copy or colorable imitation thereof; and,

(ix) removing, destroying or otherwise disposing of devices used to unlock and/or reflash TracFone Prepaid Phones and the software associated with said devices; and it is further ordered.

2. That the Preliminary Injunction shall remain in effect until final disposition of this Action.

DONE and ORDERED in chambers in the James Lawrence King Federal Justice Building and U.S. Courthouse, Miami, Florida, this 20 day of January, 2010.


JAMES LAWRENCE KING
UNITED STATES DISTRICT JUDGE

Copies furnished to:

All Counsel of Record and
Pro Se Parties